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## LAWS OF MASSACHUSETTS ON THE SUBJECT OF PUBLIC INSTRUCTION.

In conformity with the intention expressed in our last, we publish, in this number, the Laws of the State on the subject of Public Instruction. They are accompanied with such notes, references, and explanations, as will, we trust, render them intelligible to all. Two sections of the Revised Statutes, and chap. 227 of the Statutes of 1837,—all relating to the subject of school returns—having been repealed, are here omitted.

### CHAPTER XXIII. OF PUBLIC INSTRUCTION.

#### OF THE PUBLIC SCHOOLS.

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## OF THE PUBLIC SCHOOLS.

SECTION 1. In every town, containing fifty families or householders, there shall be kept in each year, at the charge of the town, by a teacher or teachers of competent ability and good morals, one school for the instruction of children in orthography, reading, writing, English grammar, geography, arithmetic, and good behavior, for the term of six months, or two or more such schools, for terms of time, that shall together be equivalent to six months. [See Act of 1839, sect. 1. Approved, March 18, 1839.]

SECT. 2. In every town, containing one hundred families or householders, there shall be kept in each year one such school, for the term of twelve months, or two or more such schools, for terms of time, that shall together be equivalent to twelve months.

SECT. 3. In every town, containing one hundred and fifty families or householders, there shall be kept in each year two such schools, for nine months each, or three or more such schools, for terms of time, that shall together be equivalent to eighteen months.

SECT. 4. In every town, containing five hundred families or householders, there shall be kept in each year two such schools for twelve months each, or three or more such schools, for terms of time, that shall together be equivalent to twenty-four months.

SECT. 5. Every town, containing five hundred families or householders, shall, besides the schools prescribed in the preceding section, maintain a school, to be kept by a master of competent ability and good morals, who shall, in addition to the branches of learning before mentioned, give instruction in the history of the United States, book-keeping, surveying, geometry, and algebra; and such last mentioned school shall be kept for the benefit of all the inhabitants of the town, ten months at least, exclusive of vacations, in each year, and at such convenient place, or alternately at such places, in the town, as the said inhabitants at their annual meeting shall determine; and, in every town containing four thousand inhabitants, the said

master shall, in addition to all the branches of instruction, before required in this chapter, be competent to instruct in the Latin and Greek languages, and general history, rhetoric, and logic.

SECT. 6. Any town, containing less than five hundred families or householders, may establish and maintain such a school, as is first mentioned in the preceding section, for such term of time, in any year, or in each year, as they shall deem expedient.

SECT. 7. It shall be the duty of the president, professors, and tutors of the university at Cambridge, and of the several colleges, and of all preceptors and teachers of academies, and all other instructors of youth, to exert their best endeavors, to impress on the minds of children and youth, committed to their care and instruction, the principles of piety, justice, and a sacred regard to truth, love to their country, humanity and universal benevolence, sobriety, industry, and frugality, chastity, moderation and temperance, and those other virtues, which are the ornament of human society, and the basis upon which a republican constitution is founded; and it shall be the duty of such instructors to endeavor to lead their pupils, as their ages and capacities will admit, into a clear understanding of the tendency of the above-mentioned virtues to preserve and perfect a republican constitution, and secure the blessings of liberty, as well as to promote their future happiness, and also to point out to them the evil tendency of the opposite vices.

SECT. 8. It shall be the duty of the resident ministers of the gospel, the selectmen, and the school committees, in the several towns, to exert their influence, and use their best endeavors, that the youth of their towns shall regularly attend the schools established for their instruction.

SECT. 9. The several towns are authorized and directed, at their annual meetings, or at any regular meeting called for the purpose, to raise such sums of money, for the support of the schools aforesaid, as they shall judge necessary; which sums shall be assessed and collected in like manner as other town taxes.

SECT. 10. The inhabitants of every town shall, at their annual meeting, choose, by written ballots, a school committee, consisting of three, five, or seven persons, who shall have the general charge and superintendence of all the public schools in such town.

SECT. 11. In any town, containing five hundred families, and in which a school shall be kept for the benefit of all the inhabitants, as before provided in this chapter, the school committee, chosen under the preceding section, shall perform all the like duties, in relation to such school, the house where it shall be kept, and the supply of all things necessary therefor, which the prudential committee of a school district may perform in such district.

SECT. 12. Any town, containing more than four thousand inhabitants, may choose an additional number, not exceeding six, on such committee.

SECT. 13. The school committee shall require full and satisfactory evidence of the good moral character of all instructors, who may be employed in the public schools in their town, and shall ascertain, by personal examination, their literary qualifications and capacity for the government of schools.

SECT. 14. Every instructor of a town or district school shall obtain, of the school committee of such town, a certificate in duplicate, of his qualifications, before he opens such school, one of which shall be filed with the town treasurer, before any payment is made to such instructor on account of his services.

SECT. 15. The school committee shall determine the number and qualifications of the scholars, to be admitted into the school, kept for the use of the whole town, as aforesaid, and visit such school, at least quarter yearly, for the purpose of making a careful examination thereof, and of ascertain-

ing that the scholars are properly supplied with books; and they shall, at such examination, inquire into the regulation and discipline of the school, and the habits and proficiency of the scholars therein.

SECT. 16. The school committee, or some one or more of them, shall, for the purposes aforesaid, visit each of the district schools in their town, on some day during the first or second week after the opening of such schools, respectively, and also on some day during the two weeks preceding the closing of the same; and shall also, for the same purposes, visit all the schools kept by the town, once a month, without giving previous notice thereof to the instructors.

SECT. 17. The school committee of each town shall direct what books shall be used in the several schools kept by the town; and may direct what books shall be used in the respective classes.

SECT. 18. The scholars at the town schools shall be supplied by their parents, masters, or guardians, with the books prescribed for their classes.

SECT. 19. The school committee of each town may procure, at the expense of the town, or otherwise, a sufficient supply of such class books, for all the schools aforesaid, and shall give notice of the place, where such books may be obtained; and the books shall be supplied to the scholars, at such prices, as merely to reimburse the expense of the same.

SECT. 20. In case any scholar shall not be furnished by his parent, master, or guardian, with the requisite books, he shall be supplied therewith by the school committee, at the expense of the town.

SECT. 21. The school committee shall give notice, in writing, to the assessors of the town, of the names of the scholars so supplied by them with books, and of the books so furnished, the prices thereof, and the names of the parents, masters, or guardians, who ought to have supplied the same; and said assessors shall add the price of the books so supplied, to the next annual tax of such parents, masters, or guardians; and the amount so added shall be levied, collected, and paid into the town treasury, in the same manner as the town taxes.

SECT. 22. In case the assessors shall be of opinion, that any such parent, master, or guardian, is unable to pay the whole expense of the books so supplied on his account, they shall omit to add the price of such books, or shall add only a part thereof, to the annual tax of such parent, master, or guardian, according to their opinion of his ability to pay.

SECT. 23. The school committee shall never direct to be purchased or used, in any of the town schools, any school books, which are calculated to favor the tenets of any particular sect of Christians.

#### SCHOOL DISTRICTS.

SECT. 24. The inhabitants of every town may, at any town meeting, to be called for that purpose, divide their town into school districts, and determine the limits of such districts; or they may, if they think it expedient, carry into effect the provisions of this chapter, without forming such districts.

SECT. 25. Every town, which is or may be divided into school districts, shall, at their annual meeting, in addition to the school committee for the town, choose one person, resident in each school district, to be a committee for that district, and to be called the prudential committee; who shall keep the schoolhouse of such district in good order, at the expense of the district; and, in case there be no schoolhouse, provide a suitable place for the school of the district, at the expense thereof; provide fuel, and all things necessary for the comfort of the scholars therein; select and contract with a schoolmaster for the district; and give such information and assistance to the school committee of the town, as may be necessary to aid them in the discharge of the duties required of them.

[See Laws of 1838, ch. 105, sec. 2.]

SECT. 26. In any town, which shall so determine, the said prudential committee may be chosen by the inhabitants of the several school districts, to which they respectively belong, in such manner as the district may direct.

SECT. 27. The inhabitants of each school district, qualified to vote in town affairs, shall choose a clerk, who shall be sworn to the faithful discharge of the duties of his office, by the moderator, in open meeting, or by any justice of the peace, and who shall make a fair record of all votes, passed at any meeting of the district, and certify the same when required, and who shall hold his office until another shall be chosen and sworn in his stead.

SECT. 28. The said inhabitants may, at any meeting called for that purpose, raise money for erecting or repairing schoolhouses in their respective districts; for purchasing or hiring any buildings to be used as schoolhouses, and land for the use and accommodation thereof; for purchasing fuel, furniture, and other necessary articles for the use of schools: they may also determine, in what part of their respective districts such schoolhouses shall stand, and may choose any committee to carry into effect the provisions aforesaid; and they may also, by the prudential committee of the district, select, contract with, and employ, an instructor for each school in the district.

SECT. 29. The clerk of a school district shall be answerable only for want of integrity on his own part; and, if he shall certify truly, to the assessors of the town, the votes of the district, for raising by a tax any sum of money, the district shall be liable, in case of any illegality in the proceedings, which may have been had, in relation to raising such money.

SECT. 30. If any school district cannot determine where to place their schoolhouse, the selectmen of the town, to which the district belongs, upon application made to them, by the committee appointed to build or procure the schoolhouse, or by five or more of the legal voters of the district, shall determine where such schoolhouse shall be placed.

SECT. 31. In all cases, where a prudential committee shall not be chosen for any school district, the school committee of the town shall perform all the duties of the prudential committee thereof.

SECT. 32. The inhabitants of every town may, if they shall think it expedient, carry into effect the provisions of the twenty-eighth section, at the common expense of the town, so far as relates to providing schoolhouses for the several school districts of the town; and the town in such case may, at any legal meeting, raise money and adopt all other proper measures for this purpose.

SECT. 33. In raising and assessing money in the several school districts, every inhabitant of the district shall be taxed, in the district in which he lives, for all his personal estate, and for all the real estate which he holds in the town, being under his own actual improvement; and all other of his real estate, in the same town, shall be taxed in the district in which it lies.

SECT. 34. In the assessment of all taxes, pursuant to the preceding section, all real estate and machinery, belonging to manufacturing corporations, shall be taxed in the school districts where the same are situated; and in assessing the shares in such corporation, for the like purposes, the value of said machinery and real estate shall be first deducted from the value of such shares.

SECT. 35. Whenever the real estate of a non-resident owner, shall be taxed to such owner, it may be taxed in such district as the assessors of the town shall determine; and the said assessors, before they assess a tax for any district, shall determine in which district the lands of any such non-resident shall be taxed, and certify in writing their determination to the clerk of the town, who shall record the same; and such land, while owned by any person, resident without the limits of the town, shall be taxed in such district accordingly, until the town shall be districted anew.

SECT. 36. All the lands, within any town, owned by the same person, not living therein, shall be taxed in the same district.

SECT. 37. The assessors of the town shall assess, in the same manner as town taxes are assessed, on the polls and estates of the inhabitants of each school district, and on all lands liable to be taxed therein, as aforesaid, all moneys voted to be raised by the inhabitants of such districts, for the purposes aforesaid; and such assessment shall be made within thirty days after the clerk of the district shall certify to said assessors the sum voted by the district to be raised.

SECT. 38. The said assessors shall make a warrant, substantially in the form heretofore used, except that a seal shall not be required thereto, directed to one of the collectors of the town, to which such district belongs, requiring him to collect the tax so assessed, and to pay the same to the treasurer of the town, within a time to be limited in the warrant; and a certificate of the assessment shall be made by the assessors, and delivered to the said treasurer.

SECT. 39. The money so collected and paid shall be at the disposal of the committee appointed by the district, to be by them applied to the building or repairing of schoolhouses, or to the purchase of buildings, to be used as schoolhouses, or to the purchase of land, for the sites of schoolhouses, as before provided, and according to the votes or directions of the inhabitants of the district.

SECT. 40. Every collector, in collecting such tax, shall have the same powers, and proceed in the same manner, as is by law provided in collecting town taxes.

SECT. 41. The treasurer of any town, to whom a certificate of the assessment of a district tax shall be transmitted as aforesaid, shall have the like authority, to enforce the collection and payment of the money, so assessed and certified, as in the case of moneys raised by the town, for the use of the town.

SECT. 42. The assessors, treasurer, and collector shall have the same compensation, respectively, for assessing, collecting and paying out all moneys, assessed for the use of a school district, as is allowed by the town, for the like services in respect to town taxes.

SECT. 43. The assessors of the several towns shall have the same power to abate the tax, or any part thereof, assessed on any inhabitant of a school district, as they have to abate any town taxes.

SECT. 44. Whenever a meeting of the inhabitants of any school district shall be called, for the purpose of raising money, and a majority of the voters present shall be opposed to the raising of the money, any five inhabitants of such school district, who pay taxes, may make application in writing to the selectmen of the town, in which the school district is situated, requesting them to insert, in their warrant for the next town meeting, an article requiring the opinion of the town relative to the expediency of raising such moneys as were proposed in the warrant for said district meeting; and if the majority of the voters, present in such town meeting, shall think the raising of any of the sums of money, proposed in said warrant, to be necessary and expedient, they may vote such sum as they shall think necessary for the said purposes, and the same shall be assessed on the polls and estates of the inhabitants of such district, and be collected and paid over, in the manner before provided.

SECT. 45. If any school district shall neglect or refuse to establish a school and employ a teacher for the same, the school committee of the town may establish such school, and employ a teacher therefor, as the prudential committee might have done.

SECT. 46. The selectmen of the several towns, divided into school districts as aforesaid, and the prudential committee of every such district, upon application made to them, respectively, in writing, by three or more resi-

dents in any district, who pay taxes, shall issue their warrant, directed to one of the persons making such application, requiring him to warn the inhabitants of such district, qualified to vote in town affairs, to meet at such time and place in the same district, as shall be expressed in the warrant.

SECT. 47. The warning aforesaid shall be given seven days at least before the time appointed for the meeting, and shall be either by personal notice to every inhabitant of the district, qualified to vote in town affairs, or by leaving, at his last and usual place of abode, a written notification, expressing therein the time, place, and purpose of the meeting, unless the district shall prescribe another mode of warning their meetings.

SECT. 48. Every school district may, at any regular meeting, having an article in the warrant for that purpose, prescribe the mode of warning all future meetings of the district; and they may also direct by whom and in what manner such meetings shall be called.

#### CONTIGUOUS SCHOOL DISTRICTS IN ADJOINING TOWNS.

SECT. 49. Where two or more contiguous school districts, in adjoining towns, are too small to maintain schools advantageously in each, such districts may, if they see fit, unite and form one district, with all the powers and privileges, and subject to all the liabilities, which now are, or hereafter may be, allowed or prescribed in regard to school districts.

SECT. 50. No districts shall be so united, unless the inhabitants of each shall, at legal meetings called for the purpose, agree thereto; nor, unless the respective towns shall, at legal town meetings called for the purpose, assent to the same; and when any such vote shall be passed by any school district, the clerk thereof shall forthwith send a certified copy of said vote to the clerk of his town.

SECT. 51. Whenever the voters in such united district shall, at any legal meeting called for the purpose, deem it expedient to separate, and again form two or more districts, they may so do, first obtaining the consent of the respective towns.

SECT. 52. The first meeting of such united district shall be called in such manner as may be agreed upon by the respective districts, at the time of forming the union; and the united district may, from time to time thereafter, prescribe the mode of calling and warning the meetings, in like manner as other school districts may do.

SECT. 53. Such district, at the first meeting, and annually thereafter, shall choose a prudential committee, who shall receive and expend the money, raised and appropriated in each town, for said united district, and shall possess all the powers, and discharge all the duties, allowed or prescribed to the prudential committees of other districts.

SECT. 54. The inhabitants of every such united district shall, at the time of voting to raise such moneys, determine the amount to be paid by the inhabitants in each town, which shall be in proportion to their respective polls and estates; and the clerk of the district shall certify such vote to the assessors of each of the said towns.

SECT. 55. All moneys, duly voted to be raised by any such united district, shall be assessed, by the assessors of the respective towns, upon the polls and estates of the inhabitants of the district, and collected in the same manner, that taxes are assessed and collected in other school districts.

SECT. 56. The respective school committees of the towns, from which such united district is formed, shall discharge the duties of school committees for the district, in alternate years, commencing with the most ancient town.

#### GENERAL PROVISIONS.

SECT. 57. Every school district shall be a body corporate, so far as to

prosecute and defend in all actions, relating to the property or affairs of the district.

SECT. 58. They shall also have power, as a corporation, to take and hold, in fee simple or otherwise, any estate, real or personal, which has been, or may be, given to, or purchased by them, for the supporting of a school or schools in the district.

SECT. 59. Nothing contained in this chapter shall affect the right of any corporation, which is or may be established in any town, to manage any estate or funds, given or obtained for the purpose of supporting schools therein, or, in any wise, to affect any such estate or funds; but such corporate powers and such estate and funds shall remain, as if these provisions had not been enacted.

SECT. 60. If any towns shall refuse or neglect to raise money for the support of schools, as required by this chapter, such town shall forfeit a sum, equal to twice the highest sum, which had ever before been voted for the support of schools therein; and, if any town shall refuse or neglect to choose a school committee to superintend said schools, or to choose, for the purposes before mentioned in this chapter, prudential committees in their several districts, when it is the duty of the town to choose such prudential committee, such town shall forfeit a sum not less than one hundred nor more than two hundred dollars, which shall be paid into the treasury of the county; and one fourth thereof shall be for the use of the county, and three fourths thereof shall be paid by the county treasurer to the school committee of such town, if any, and if not, to the selectmen of the town, for the support of schools therein.

SECT. 61. Every such school committee, or board of selectmen, shall forthwith receive, from the treasurer of the county, any money so payable to them, and shall apportion and appropriate the same, to the support of the schools of such town, in the same manner it should have been appropriated, if it had been regularly raised by the town for that purpose.

#### SCHOOL RETURNS.

SECT. 62. The school committees of the several towns and of the city of Boston shall, on or before the first day of November, in each year, make official returns, to the secretary of the Commonwealth, of all the public schools in such towns and city, respectively, whether such schools are kept for school districts, or for the common benefit of all the inhabitants; which said school returns shall be made, as is provided in the two following sections.

[The two following sections (63 and 64) prescribed the form of the blanks to be filled, and the inquiries to be answered by the school committees. These sections were repealed by the Act of 1837, ch. 227, and new forms and new inquiries substituted. And by the Act of 1828, ch. 105, sec. 5, the Board of Education were required to prescribe the form of the blanks, prepare a list of inquiries and direct at what time they should be returned into the office of the secretary of state. This duty the Board have attended to. The form of the blanks, and the inquiries prescribed by the Board, are here inserted. They are to be returned to the secretary's office, on or before the first day of May, annually.]

## INQUIRIES to be answered in respect to each Public School in the Town of

Districts numbered or names of the Schools.	Number of Scholars of all ages in each Common School.		Average attendance in the several Schools.		The number of months each School is kept.		Number of Teachers in each School in Summer.		Number of Teachers in each School in Winter.		Wages per month, including value of board.		Value of board per month.		Amount of wages per month, exclusive of value of board.	
	In the Summer.	In the Winter.	In the Summer.	In the Winter.	Summer Term.	Winter Term.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.

## INQUIRIES with respect to all the Public Schools in the Town of

1. What amount of money is raised by taxes for the support of schools, including only teachers' wages, board and fuel?
2. Of what value are the board and fuel, (if any,) contributed for the public schools in your town? And what is the average number of scholars attending each?
3. Are there any incorporated academies? If any, what number of months is each kept? And what is the average number of scholars attending each?
4. What is the estimated amount of money paid for tuition in incorporated academies kept in the town? If so, what number of months is each kept, what is the average number of scholars attending each, and what is the amount of money paid for tuition therein?
5. Are there any unincorporated academies, private schools, or schools kept to prolong common schools. If so, what number of persons are there in the town between the ages of four and sixteen years? . . . . .
6. What books are used in your schools? . . . . .  
 Spelling. . . . .  
 Reading. . . . .  
 Grammar. . . . .  
 Geography. . . . .  
 Arithmetic. . . . .  
 All others. . . . .
7. Are there any local funds for the support of common schools? If any, what is their amount, and what their annual income? . . . . .

} School Committee.

We, the School Committee of \_\_\_\_\_, do certify from the best information we have been able to obtain, that on the first day of May, in the year \_\_\_\_\_, there were belonging to said town the number of \_\_\_\_\_ persons, between the ages of four and sixteen years; and we further certify, that said town has raised the sum of \_\_\_\_\_ dollars, for the support of Common Schools for the current year, including only the wages and board of Teachers and fuel for the schools.

} School Committee.

ss. \_\_\_\_\_ day of \_\_\_\_\_, personally appeared the above named School Committee of \_\_\_\_\_ and made oath that the above Certificate by them subscribed is true. Before me,

Justice of the Peace.

The Statute of 1838, chapter 105, sec. 5, enacted as follows: "The form of the Blanks and the Inquiries, provided for by the Statute of 1837, chap. 227, and the time when the same shall be returned into the office of the secretary of the Commonwealth, shall hereafter be prescribed by the Board of Education." "And the school committees shall fill the blanks, and answer the inquiries contained in such form, in the same manner and under the same provisions as they are now required by law to do."

In compliance with this law, the Board of Education, on the 1st day of June, 1838, adopted the following resolution:

"Resolved, That the school committees be directed to make their returns to the secretary of the Commonwealth, on or before the first day of May, annually, which returns shall contain the statistics of the schools for their official year, agreeably to a form to be hereafter provided."

This sheet contains the "form," "provided" by the Board of Education. It is to be filled and returned by the committees,—notwithstanding their term of office may have expired,—as a condition of the town's receiving its proportion of the income of the school fund.

HORACE MANN, *Secretary of the Board of Education.*

BOSTON, March 18, 1839.]

SECT. 65. The secretary of the Commonwealth shall annually furnish every town with blank forms of returns, corresponding to the forms contained in the two preceding sections.

#### DISTRIBUTION OF THE SCHOOL FUND.

SECT. 66. No apportionment of the school fund, as provided in the following sections, shall be made to any town, which shall have failed to make school returns, for the year next preceding the time of such apportionment, or which shall have failed, at the annual meeting preceding the time when the annual appropriation shall be made, to raise by taxation, for paying the wages of instructors solely, a sum equal at least to one dollar for each person belonging to said town on the first day of May preceding, between the ages of four and sixteen years.

SECT. 67. The income of the Massachusetts school fund, except the sum of one hundred dollars mentioned in the following section, shall be apportioned by the secretary and treasurer, and paid over by the treasurer, on the fifteenth of January in each year, to the mayor and aldermen of the city of Boston, and to the selectmen of the several towns, for the use of common schools therein, which shall have made the returns, and raised the sums of money, required by the preceding section, and which shall have returned to the secretary the certificate required by this section, according to the number of persons in such city and towns, between the ages of four and sixteen years, to be enumerated and ascertained in the following manner, to wit: the school committee of each town shall, annually, in the months of May or June, ascertain from actual examination, or otherwise, the number of persons belonging to such town on the first day of May in each year, between the ages of four and sixteen years, and shall make a certificate thereof, and also of the sum raised by the town at the annual meeting in the same year, for paying the wages of instructors solely, and shall transmit the same to the secretary of the Commonwealth, on or before the first day of November following, which certificate shall be in the following form, to wit:

We, the school committee of \_\_\_\_\_, do certify, from the best information we have been able to obtain, that on the first day of May, in the year \_\_\_\_\_, there were belonging to said town the number of \_\_\_\_\_ persons, between the ages of four and sixteen years; and we further certify, that said town, at their last annual meeting, raised the sum of \_\_\_\_\_ dollars, to pay the wages of instructors solely, in the Common Schools for the current year.

*School Committee.*

ss.  
On this \_\_\_\_\_ day of \_\_\_\_\_, personally appeared the abovenamed school committee of the town of \_\_\_\_\_, and made oath that the above certificate by them subscribed is true. Before me, \_\_\_\_\_ *Justice of the Peace.*

[See Act of 1839, sect. 3. Approved, March 18, 1839.]

SECT. 68. There shall be allowed and paid, out of the income of said Massachusetts school fund, the sum of one hundred dollars, on the first of January annually, to the commissioner of the Marshpee Indians, to be applied, under his direction, to the support of Common Schools among the Indians.

REGULATIONS IN FURTHERANCE OF THE DISCIPLINE OF COLLEGES.

SECT. 69. No innholder, tavern keeper, retailer, confectioner, or keeper of any shop, or boarding house, for the sale of drink or food, or any livery stable keeper, for horse or carriage hire, shall give credit to any undergraduate of either of the colleges within this State, without the consent of the president, or of such officer as may be thereto authorized by the governments of such colleges, respectively, nor in violation of any rules and regulations of said colleges.

SECT. 70. No person shall be approved, by the selectmen of any town, to be licensed for either of the employments aforementioned, nor shall any such license be granted to any person, if it shall appear that he has, within the year then last past, given credit to any undergraduate of said colleges, contrary to the provisions of this chapter.

SECT. 71. If any person shall give credit to any undergraduate of a college, contrary to the provisions of this chapter, he shall forfeit a sum equal to the amount so unlawfully trusted or credited, whether the same shall have been paid or not.

### CHAPTER 245. (1836.)

AN ACT TO PROVIDE FOR THE BETTER INSTRUCTION OF YOUTH EMPLOYED IN MANUFACTURING ESTABLISHMENTS.

SECTION

1. Children under 15 years of age not to be employed in factories, unless they have attended school 3 months in the preceding year.

SECTION

2. Penalty on owners, &c., for employing children contrary to this statute—and to what use and how recoverable.

SECT. 1. From and after the first day of April, in the year eighteen hundred and thirty-seven, no child under the age of fifteen years shall be employed to labor in any manufacturing establishment, unless such child shall have attended some public or private day school, where instruction is given by a teacher qualified according to the first section of the twenty-third chapter of the Revised Statutes, at least three months of the twelve months next preceding any and every year in which such child shall be so employed.

SECT. 2. The owner, agent, or superintendent of any manufacturing establishment, who shall employ any child in such establishment contrary to the provisions of this act, shall forfeit the sum of fifty dollars for each offence, to be recovered by indictment, to the use of Common Schools in the towns respectively where said establishments may be situated.

[April 13, 1836.]

### CHAPTER 147. (1837.)

AN ACT AUTHORIZING SCHOOL DISTRICTS TO ESTABLISH LIBRARIES FOR THE USE OF COMMON SCHOOLS.

SECTION

1. Districts authorized to raise money for libraries, &c.

SECTION

2. How assessed and collected.

SECT. 1. Each legally constituted school district in this Commonwealth is hereby authorized to raise money for the purpose of establishing and maintaining a Common School Library and Apparatus for the use of the chil-

dren therein, under such rules and regulations as said district may adopt: *Provided*, that no greater sum than thirty dollars the first year, or ten dollars in any subsequent year, shall be expended for the purpose aforesaid.

SECT. 2. Any sum of money, raised by virtue of this act at a meeting called for the purpose, shall be assessed, collected, and paid over, as other school district taxes are. [April 12, 1837.]

## CHAPTER 241. (1837.)

### AN ACT RELATING TO COMMON SCHOOLS.

#### SECTION

1. Board of Education, how constituted; term of office, &c.
2. Board to make yearly abstract of school returns: may appoint a secretary; his duty, &c.

#### SECTION

3. Board to make yearly report of its doings, with suggestions, &c.
4. Governor may draw for secretary's salary.

SECT. 1. His excellency the governor, with the advice and consent of the council, is hereby authorized to appoint eight persons, who, together with the governor and lieutenant governor ex officio, shall constitute and be denominated the Board of Education; and the persons so appointed shall hold their offices for the term of eight years: *Provided*, the first person named in said Board shall go out of office at the end of one year, the person next named shall go out of office at the end of two years, and so of the remaining members, one retiring each year, and in the order in which they are named, till the whole Board be changed; and the governor, with the advice and consent of the council as aforesaid, shall fill all vacancies in said Board, which may occur from death, resignation, or otherwise.

SECT. 2. The Board of Education shall prepare and lay before the legislature, in a printed form, on or before the second Wednesday of January, annually, an abstract of the school returns received by the secretary of the Commonwealth, and the said Board of Education may appoint their own secretary, who shall receive a reasonable compensation for his services, not exceeding one thousand dollars per annum, and who shall, under the direction of the Board, collect information of the actual condition and efficiency of the Common Schools, and other means of popular education, and diffuse as widely as possible throughout every part of the Commonwealth, information of the most approved and successful methods of arranging the studies, and conducting the education of the young, to the end that all children in this Commonwealth, who depend upon Common Schools for instruction, may have the best education which those schools can be made to impart.

SECT. 3. The Board of Education, annually, shall make a detailed report to the legislature of all its doings, with such observations as their experience and reflection may suggest, upon the condition and efficiency of our system of popular education, and the most practicable means of improving and extending it.

SECT. 4. For the salary of the secretary of the Board of Education, provided for in the second section of this act, the governor is authorized to draw his warrants from time to time, as the same may be required.

[April 20, 1837.]

## CHAPTER 55. (1838.)

### AN ACT TO DEFRAY THE EXPENSES OF THE BOARD OF EDUCATION.

Expenses of members to be reimbursed; their accounts to be audited, &c., by the executive.

The members of the Board of Education, appointed by the governor and council, pursuant to the provisions of an act relating to Common Schools, passed April twentieth, in the year one thousand eight hundred and thirty-seven, shall be reimbursed for all expenses incurred in the

discharge of their official duties, their accounts being first audited and allowed by the governor and council; and the incidental expenses of said Board shall be allowed and paid in the same manner. [March 31, 1838.]

## CHAPTER 105. (1838.)

### AN ACT CONCERNING SCHOOLS.

#### SECTION

1. Committees to make yearly detailed reports of condition of schools: How such reports shall be disposed of.
2. Shall select and contract with teachers, unless, &c.
3. Shall keep a record book, record their votes, &c., and deliver it to their successors.
4. Compensation of committees.

#### SECTION

5. Form of blanks and inquiries to be prescribed by Board of Education.
6. Registers to be kept by committees: Form of, to be prescribed by said Board, and secretary of state to forward them.
7. Abstract of returns to be made, under direction of said Board, in secretary's office.
8. When to take effect.

SECT. 1. The school committees shall annually make a detailed report of the condition of the several public schools in their respective towns, designating particular improvements and defects in the methods or means of education, and stating such facts and suggestions in relation thereto, as in their opinion will best promote the interests and increase the usefulness of said schools; which report shall be read in open town meeting, in February, March, or April, in each year, or be printed and distributed for the use of the inhabitants, and shall be deposited in the office of the clerk of the town; and an attested copy thereof shall be transmitted by said school committee to the office of the secretary of the Commonwealth, with the official return now required by law.

SECT. 2. The school committees shall select and contract with the teachers for the town and district schools; any provision in the twenty-third chapter of the Revised Statutes to the contrary notwithstanding: *Provided, however,* that the teachers may be selected and contracted with by the prudential committees as heretofore, whenever the town shall so determine.

SECT. 3. The school committee in each town shall be provided with a record book, in which all votes, orders, and proceedings of the committee shall be duly recorded, and said record shall be delivered over by the committees, at the expiration of the year, to their successors in office.

SECT. 4. The members of the school committees, except in the city of Boston, shall be paid, by their respective towns, one dollar each per day for the time they shall be actually employed in discharging the duties of their office, together with such additional compensation as the town may allow.

SECT. 5. The form of the blanks, and the inquiries provided for by the statute of the year one thousand eight hundred and thirty-seven, chapter two hundred and twenty-seven, and the time when the same shall be returned into the office of the secretary of the Commonwealth, shall hereafter be prescribed by the Board of Education. And the school committees shall fill the blanks and answer the inquiries contained in such form, in the same manner and under the same provisions as they are now required by law to do.

SECT. 6. The Board of Education shall prescribe a blank form of a register, to be kept in all the town and district schools in the Commonwealth; and the secretary of state shall forward a sufficient number of copies of the same to the school committees of the respective towns; and said committees shall cause registers to be faithfully kept in all said schools, according to the form prescribed.

SECT. 7. The abstract of the school returns shall be made up under the direction of the Board of Education, in the office of the secretary of the Commonwealth.

SECT. 8. This act shall take effect from and after its passage.

[April 13, 1838.]

## CHAPTER 154. (1838.)

## AN ACT TO AID IN THE SUPPORT OF COMMON SCHOOLS AMONG CERTAIN TRIBES OF INDIANS IN THIS COMMONWEALTH.

Allowance for schools among certain Indians: Account of appropriation to be rendered yearly to the executive.

There shall be allowed and paid, out of the income of the Massachusetts school fund, the sum of one hundred and forty dollars, on the first day of January, annually, in the manner hereafter provided, viz. sixty dollars to Smith Mayhew, Esq., of Chilmark, to be applied, under his direction, to the support of Common Schools among the Gay Head Indians; sixty dollars to the guardian of the Indians of Christiantown and Chappequiddic, and twenty dollars to the treasurer of the Herring Pond Indians, to be applied by them in like manner to the support of Common Schools among the said Indians; any thing contained in the sixty-seventh section of the twenty-third chapter of the Revised Statutes to the contrary notwithstanding; and an annual account of the appropriation of said moneys shall be rendered to the governor and council. [April 18, 1838.]

## CHAPTER 159. (1838.)

## AN ACT TO PRESCRIBE THE DUTIES AND FIX THE COMPENSATION OF THE SECRETARY OF THE BOARD OF EDUCATION.

## SECTION

1. Secretary to attend meetings of teachers and committees: To give notice of such meetings: To collect information to be

## SECTION

- embodied in report of the Board.
2. Secretary's salary to be \$1500.
3. Act to take immediate effect.

SECT. 1. The secretary of the Board of Education, in addition to the duties required of him by the act establishing the Board of Education, shall, once in each year, at such times as the Board of Education may appoint, attend in each county of the Commonwealth a meeting of all such teachers of public schools, members of the school committees of the several towns, and friends of education generally in the county, as may voluntarily assemble at the time and place in the county designated by the Board of Education, of which sufficient notice shall by him be given; and shall then and there diligently apply himself to the object of collecting information of the condition of the public schools of such county, of the fulfilment of the duties of their office by all members of the school committees of all the towns, and the circumstances of the several school districts in regard to all the subjects of teachers, pupils, books, apparatus, and methods of education; with the intent of furnishing all requisite materials for the report by law required from the Board of Education.

SECT. 2. The compensation of the secretary of the Board of Education shall be one thousand five hundred dollars per annum, to be made in equal quarterly payments.

SECT. 3. This act shall take effect from and after its passage.

[April 21, 1838.]

## CHAPTER 189. (1838.)

## AN ACT CONCERNING THE UNION OF SCHOOL DISTRICTS.

## SECTION

1. Purpose and manner of forming union districts.
2. Corporate powers of such districts.
3. Manner of calling and warning meetings.
4. Clerk to be chosen and sworn; his duties and tenure of office.
5. Power of districts as to raising money to build, &c., schoolhouses, &c. Provision as to location of houses, and

## SECTION

- choice of committee.
6. Who shall be prudential committee of such districts: Their powers.
7. Such committee to determine ages, &c., of pupils, and the proportion of money to be expended, subject to vote of district.
8. Town committee's power, &c., to extend to union districts.

SECT. 1. Any two or more contiguous school districts, in this Common-

wealth, may associate together and form a union district, for the purpose of maintaining a union school, to be kept for the benefit of the older children of such associated districts, if the inhabitants of each of such districts shall, at legal meetings called for that purpose, agree to form such union by a vote of two thirds of the legal voters thereof.

SECT. 2. Every union district thus formed shall be a body corporate, with the corporate powers of other school districts, in relation to prosecuting and defending suits at law, and holding real and personal property, and shall be called by such name as said district at its first meeting shall determine.

SECT. 3. The first meeting of such union district shall be called in such manner, and at such time and place, as may be agreed upon by the associated districts respectively, by a vote of the same, at the time of forming the union; and the union district may, from time to time thereafter, prescribe the mode of calling and warning the meetings thereof, in like manner as other school districts may do, and may also determine at what time its annual meetings shall be held.

SECT. 4. Such union district, at the first meeting thereof, shall choose, by ballot, a clerk, who shall be sworn in the same manner and shall perform the same duties as are prescribed in relation to the clerks of other school districts, and shall hold his office until another shall be chosen in his stead.

SECT. 5. Such union district may, at any legal meeting called for that purpose, raise money for erecting, purchasing, renting, and repairing any building to be used as a schoolhouse for the union school aforesaid, and purchasing or renting land for the use and accommodation thereof; also, for purchasing fuel, furniture, and other necessary articles for the use of said school; and in assessing and collecting a tax or taxes for the above purposes, the like proceedings shall be had as are prescribed by law for other school districts: said district may also determine where said schoolhouse shall stand, and in case the location thereof should not be so determined by said district, the same shall be referred to the selectmen of the town, in the same manner as is provided in the case of other districts; said district may choose any committee to carry into effect the provisions aforesaid.

SECT. 6. The prudential committees of the respective districts forming the union district, shall, together, constitute the prudential committee of said district, who shall have all the powers, and discharge all the duties, in relation to said school and the schoolhouse of said district, as are prescribed to other prudential committees in relation to the schools and schoolhouses in their respective districts.

SECT. 7. The prudential committee of the union district shall also determine the ages and qualifications of the children of the associated districts, who may attend the union school, and shall also determine what proportion of the money, raised and appropriated by the town for each of the districts composing the union district, shall be appropriated and expended in paying the instructor or instructors of the union school; subject, however, in both the above cases, and in all other matters relating to said school, to any votes of said union district that may be passed at any legal meeting thereof: *Provided, however*, that the schools in each of the associated districts shall continue to be maintained in the same manner as if this act had not been passed.

SECT. 8. The school committee of the town in which such union district may be located, shall have the same powers, and perform the same duties, in relation to such union school, as are prescribed to them in relation to other district schools.

[April 25, 1838.]

#### AN ACT CONCERNING SCHOOLS. (1839.)

SECT. 1. In every town in this Commonwealth, there shall be kept in each year, at the charge of the town, by a teacher or teachers of competent ability, and good morals, one school for the instruction of children in Orthography, Reading, Writing, English Grammar, Geography, Arithmetic, and good behavior, for the term of six months, or two or more such schools for terms

of time which shall together be equivalent to six months; and in every school in this Commonwealth containing fifty scholars as the average number, the school district or town to which such school belongs shall be required to employ a female assistant or assistants, unless such school district or town shall, at a meeting regularly called for that purpose, vote to dispense with the same.

SECT. 2. Any two or more contiguous school districts may associate together and form a union district, for the purpose of maintaining a union school, to be kept for the benefit of the older children of such associated districts, if the inhabitants of each of said districts shall, at legal meetings called for that purpose, agree to form such union by a vote of two thirds of the legal voters of each district present and voting therein.

SECT. 3. The income of the Massachusetts school fund, except the sum of two hundred and forty dollars appropriated to the support of Common Schools among the Indians, shall be apportioned by the secretary and treasurer, and paid over by the treasurer, on the fifteenth of January, in each year, to the mayors and aldermen of the several cities, and to the selectmen of the several towns, for the use of the Common Schools therein, according to the number of persons in such cities and towns, between the ages of four and sixteen years; and said persons shall be enumerated and ascertained in the following manner, to wit: the school committee of each town shall, annually in the month of May, ascertain from actual examination or otherwise, the number of persons between the ages of four and sixteen years, belonging to such town on the first day of said May, and shall make a certificate thereof, and also of the sum raised by the town for the support of schools, including only fuel, wages, and board of teachers, during the current year, and shall transmit the same to the secretary of the Commonwealth, at such time as may be prescribed by the Board of Education, which certificate shall be in the following form, to wit:—

We, the school committee of \_\_\_\_\_, do certify, from the best information we have been able to obtain, that on the first day of May, in the year \_\_\_\_\_, there were belonging to said town the number of \_\_\_\_\_ persons, between the ages of four and sixteen years: and we further certify, that said town has raised the sum of \_\_\_\_\_ dollars, for the support of Common Schools for the current year, including only the wages and board of teachers, and fuel for the schools.  
*School Committee.*

— ss. On this \_\_\_\_\_ day of \_\_\_\_\_, personally appeared the abovenamed school committee of the town of \_\_\_\_\_, and made oath that the above certificate by them subscribed is true. Before me, \_\_\_\_\_  
*Justice of the Peace.*

*Provided*, That no such apportionment shall be made to any town which shall have failed for the year next preceding the time of such apportionment, to make the school returns and reports, required by law, or which shall have failed to raise by taxation, for the support of schools, including only fuel, wages, and board of teachers, during the current year, a sum equal at least to one dollar and twenty-five cents for each person, between the ages of four and sixteen years, belonging to said town, on the first day of the preceding May, or shall have failed to make return of the certificate as herein above provided.

SECT. 4. The income of the Massachusetts school fund from the first day of December, one thousand eight hundred and thirty-seven, to the fifteenth of January, one thousand eight hundred and thirty-nine, shall be apportioned and paid over on the first day of June next, to the several cities and towns which shall have made the returns required by this Act, and shall have raised the sums of money required by the twenty-third chapter of the Revised Statutes.

SECT. 5. The first section of the Statutes of the year one thousand eight hundred and thirty-eight, chapter one hundred and eighty-nine, so far as the same is inconsistent with this act, is hereby repealed. [March 18, 1839.]

The Resolve respecting Normal Schools appeared in our third number.

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